

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ABDEL FATTAH,

Plaintiff,

v.

MOORE SMEAL, *et al.*,

Defendants.

CIVIL ACTION NO. 3:CV-12-0613

(JUDGE CAPUTO)

**ORDER**

**NOW**, this 31<sup>st</sup> day of October, 2012, **IT IS HEREBY ORDERED** that upon review of the Complaint (Doc. 1) pursuant to 28 U.S.C. § 1915(e)(2)(B):

- (1) Plaintiff's Motion for leave to proceed *in forma pauperis* (Doc. 6) is construed as a motion to proceed without full prepayment of fees and costs, and is **GRANTED**.
- (2) Plaintiff's Complaint (Doc. 1) is **dismissed without prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B) for failure to state a claim.
- (3) Within **twenty-one (21) days** from the date of this Order, Plaintiff may file an amended complaint in this action in accordance with the foregoing Memorandum.
- (4) The Clerk of Court shall forward to Plaintiff two (2) copies of this Court's prisoner civil-rights complaint form which Plaintiff shall use in preparing his amended complaint.
- (5) Failure to file an amended complaint as directed within the required time frame will result in the dismissal of this action.

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge